

JUDGE DAUGHERTY
XXXXXXXXXXXXCIVIL DOCKET
UNITED STATES DISTRICT COURT

Cook

Jury demand date:

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS					
<p>PETER J. BRENNAN, Secretary of Labor, United States Department of Labor, Plaintiff</p> <p>vs.</p> <p>TULSA TRUCK PLAZA INC., a corporation, TULSA PLAZA RESTAURANT INC., a corpora- tion doing business as COUNTRY KETTLE, and WILLIAM H. HALL, an individual, Defendants</p>		<p>For plaintiff:</p> <p>William J. Kilberg Solicitor of Labor</p> <p>George T. Avery Regional Solicitor</p> <p>Jack F. Ostrander Rm. 7C52, 1100 Commerce St. Dallas, Texas 75202</p> <p>For defendant: David McKinney R. Casey Cooper T. Hillis Eskridge, (all defts.) Boesche, McDermott & Eskridge 1300 NBT Bldg. (587-0145) SEE - 1777 Tulsa, Ok. 74103 Bank of Okla. Bldg. Marshall Berman, William Willcox Gall, Lane & Powell 1150 1250 Connecticut Ave., N.W. Washington, D. C. 20036 (202-659-1600)</p>					
STATISTICAL RECORD	COSTS			DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed 12-1-74	Clerk						
J.S. 6 mailed 3-1-76	Marshal						
Basis of Action: Violation of Fair Labor Standards Act.	Docket fee						
	Witness fees						
Action arose at:	Depositions						

DATE	PROCEEDINGS	Date Order or Judgment Noted
11-18-74	1. Complaint, filed, Summons issued. lm	
11-20-74	Summons, ret. & filed: served Tulsa Truck Plaza, Inc., and Tulsa Plaza Restaurant dba Country Kettle, 11-18-74; served Wm. H. Hall, 11-19-74. (USM \$16.92)g	
12-9-74	2. Answer, filed. g	
1-8-75	MO: Ordered by the Ct. that this case is transferred to Judge Cook (FD-J)rm	
2-13-75	3. Motion for leave to file amended answer, filed. hm	
2-13-75	4. Amended answer, filed. hm (with leave of Court) (HDC-J)hm	
2-28-75	MO: Case set for pre-trial hearing 4-3-75 at 2:00 p.m. (HDC-J)hm	
4-3-75	MO: Pre-trial hearing held. Statements made. Partial pre-trial order filed in open court. Parties given 30 days to complete discovery and to file stipulation of facts. Parties state case will be ready for trial within 1 to 2 months. Case to be set for non-jury trial. (HDC-J)hm	
4-3-75	5. Partial pre-trial order, filed. hm	
4-7-75	MO: Ordered that the paragraphs in the pre-trial order designated, "To be submitted", shall be completed within 30 days. (HDC-J)hm (letter written counsel)	
5-1-75	6. Mot. of Pltf. for extension of time to submit pretrial order, filed. v (o)	
5-6-75	7. Order, filed, granting pltf. until 6-2-75 to file pretrial order. (HDC-J)g	
6-24-75	8. Mot. of pltf. for ext. of time to file pretrial order, filed. g	
6-24-75	9. Order, filed, ext. time to submit pt order to 7/20/75. (HDC-J)rm-copies	
7-21-75	10. Defts' mot/ requesting the Court to set a second PT conference, filed. g	
7-22-75	MO: Case set for further pre-trial hearing 8-18-75 at 9:00 a.m. (HDC-J)hm	
8-18-75	MO: Pre-trial hearing held. Statements made. Pltf. granted leave to take deposition of deft. Mr. Hall, over obj. from deft. Stipulations to be made by parties & separate request & reason therefor to be made on stipulations that cannot be agreed upon. Pltf. to prepare PT order & stipulations by 9-19-75. N/J trial set 11-4-75 at 10:00 a.m. (HDC-J)hm	
9-24-75	11. Stipulated Additions to Pre-Trial Order, approved by attorneys for both defendant & plaintiff W/Joint Exhibit 1 attached, filed. (HDC-J)mm	
10-28-75	12. Defendants' trial brief, filed. g	
10-31-75	13. Order, filed, continuing case from 11-4-75 to 1-29-76 at 9:30 a.m. All witnesses ordered to appear on that date. (HDC-J)hm (copies mailed counsel & witnesses)	
12-8-75	14. Pltf's trial brief, filed. ph	

DATE	PROCEEDINGS	Date Order or Judgment Noted
<u>1976</u>		
1-6	Subpoena ret & filed: Served Ms. JoAnn Curtis, Ms. Betty O'brien, Ms. Debra Ashlock, Ms. Virginia White, Ms. Euna Linda O'Quinn, Ms. Myrna Coblentz (Stapleton), Ms. Jean Ray, Ms. Marge Tokarczyk, and Mr. William H. Hall, and Ms. Vicki Shedd. (USM \$49.26)ph	
1-13 15	Defendants' response to pltf's trial brief, filed. g	
1-22	16. Pretrial Order, filed. (HDC-J)v <i>no cps. added.</i>	
1-26	17. Pltf's Response to Deft's Trial Brf & Deft's Response, filed. t	
1-29	MO: Case tried to the Court Jan. 29 & 30. Opening statements made. Pltf. presents case in chief w/test. of witnesses. Joint exhibits and defts' exhibits admitted. Pltf. rests. Deft. presents case in chief w/test. of witnesses. Pltf. presents rebuttal evidence w/test. of witnesses and rests. Deft. presents sur-rebuttal w/ test. of witness and rests. Parties rest. Closing arguments made. Court makes findings and rules in favor of the defendants. Deft. counsel to prepare formal judgment, to include stipulations agreed to by pltf. (HDC-J)hm	
1-29	Trial exhibits, filed. hm	
2-12	18. Judgment, filed and entered, that allegations in complaint are dismissed & prayer for injunctive relief is denied; certain stipulations made and approved by the Court; and defts. enjoined from violating Sec. 7 of the Act w/respect to mechanics employed in its car care center. (HDC-J)hm (copies mailed)	
2-19	-- Reporter's Partial Transcript of Proceedings had on 1-30-76, fld. Thomas G. Bloxom, R.P.R. v	
4-6	Transcript of nonjury trial, filed. g	
4-12	Notice of appeal by pltf., filed. cp to USCA & counsel. g	
4-16	Appeal record (3 vols.) sent to USCA. g	
6-9	Appeal record (3 vols) received from USCA. rm	
6-14	19. Mandate of 10th Circuit, filed and spread of record, that appellant's motion to withdraw appeal is granted. rm	

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